

Date

Edward R. Wedge, III
5633 Tullahoma Drive
Baton Rouge, Louisiana 70817

Re: Ethics Board Docket No. 2021-258

Dear Mr. Wedge:

The Louisiana Board of Ethics, at its June 4, 2021 meeting, considered your request for an advisory opinion as to whether you may provide engineering services to a prospective employer that are related to certain transactions with the Louisiana Department of Transportation and Development.

FACTS PROVIDED

You are employed by the Louisiana Department of Transportation and Development ("DOTD"). You are currently the Deputy Chief Engineer in the Office of Engineering, and have been in that role since January 13, 2015. In such role, your responsibilities are, subject to the direction of the Chief Engineer, administering all matters related to state programs with respect to the environment, project design and management, construction, traffic engineering, and regulation of highways and bridges. As the Deputy Chief Engineer, you report to the Chief Engineer.

You would like to retire from DOTD and obtain employment in the private sector. You are considering either a project management role or a client relations/business development role.

LAWS

La. R.S. 42:1121B provides that no former public employee shall (1) for a period of two years following the termination of his public employment, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such former public employee participated at any time during his public employment and involving the governmental entity by which he was formerly employed, or (2) for a period of two years following the termination of his public employment, render any service which such former public employee had rendered to the agency during the term of his public employment on a contractual basis, regardless of the parties to the contract, to, for, or on behalf of the agency with which he was formerly employed.

La. R.S. 42:1121C provides that no legal entity in which a former public servant is an officer, director, trustee, partner, or employee shall, for a period of two years following the termination of his public service, assist another person, for compensation, in a transaction, or in an appearance in connection with a transaction in which such public servant at any time participated during his public service and involving the agency by which he was formerly employed or in which he formerly held office.

ANALYSIS

For a period of two years following your termination, you may not participate in transactions, or assist a prospective employer in transactions, that you worked on during your employment with DOTD. Further, any private entity in which you are an officer, director, trustee, partner, or employee, is prohibited, for a period of two years following your termination, from assisting a private individual or entity in a transaction, or in an appearance in connection with a transaction in which you participated while employed by DOTD. Accordingly, you would not be prohibited from working with DOTD on projects that you did not participate in while at DOTD.

CONCLUSION

The Board concluded, and instructed me to inform you, that, generally, the Code of Governmental Ethics would permit you to be employed by a private employer to provide business development and engineering services, including services involving transactions between your current employer and DOTD, provided that you did not participate in such transactions during your employment by DOTD.

Since you have not provided any specific potential conflict of interest, the Board issues no opinion regarding any specific situation involving your employment. If you have concerns regarding a specific situation, the Board recommends that you submit an additional advisory opinion request to determine the application, if any, of the Code.

This advisory opinion is based solely on the facts as set forth herein. Changes to the facts as presented may result in a different application of the provisions of the Code of Ethics. The Board issues no opinion as to past conduct or as to laws other than the Code of Governmental Ethics. If you have any questions, please contact me at (800) 842-6630 or (225) 219-5600.

Sincerely,

LOUISIANA BOARD OF ETHICS

Charles E. Reeves, Jr.
For the Board

No party may rely on the facts or conclusions. The analysis and conclusions herein are provided for discussion purposes only, and are subject to change or revision at the meeting of the Board of Ethics at which this matter is considered.

DISCLAIMER

This is a draft opinion and it is **NOT** an opinion of the Louisiana Board of Ethics.